

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARY CASTERLOW-BEY,

Plaintiff,

V.

GOOGLE SEARCH ENGINE CO., et al.,

Defendants.

CASE NO. C18-5160 BHS

ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS AND REQUESTING
RESPONSE FROM PLAINTIFF

This matter comes before the Court on Defendant Google Search Engine Co.’s (“Google”) motion to dismiss (Dkt. 12).

On November 15, 2017, Plaintiff Gary Casterlow-Bey (“Casterlow-Bey”) filed a complaint in Pierce County Superior Court for the State of Washington against Google and the Tacoma News Tribune (“Defendants”). Dkt. 1-1. Casterlow-Bey alleges that Defendants have violated his constitutional rights by publishing and linking to a news article that slanders him. *Id.*

On February 28, 2018, Google removed the case to this Court. Dkt. 1.

1 On March 7, 2018, Google filed a motion to dismiss. Dkt. 12. Casterlow-Bey
2 failed to respond, which the Court considers an admission that the motion has merit.
3 LCR 7(b)(2). Regarding the merits, Google argues that Casterlow-Bey fails to state a
4 valid claim for relief because Google is not a state actor subject to liability under 42
5 U.S.C. § 1983. Dkt. 12. The Court agrees. Even if Casterlow-Bey somehow established
6 that Google is subject to liability, Google is also immune from claims based on a third
7 party's allegedly defamatory content. *See* 47 U.S.C. § 230. Therefore, the Court
8 **GRANTS** Google's motion and dismisses Casterlow-Bey's claim with prejudice.

9 Regarding the remaining Defendant the Tacoma News Tribune, the Court requests
10 a response from Casterlow-Bey regarding his intent to proceed with this matter. Based
11 on his failure to respond to Google's motion, the Court is concerned that he may have no
12 desire to further prosecute this matter. Therefore, Casterlow-Bey shall respond no later
13 than April 30, 2018. Failure to respond will result in dismissal of his remaining claim
14 without prejudice and without further order of the Court.

15 **IT IS SO ORDERED.**

16 Dated this 16th day of April, 2018.

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BENJAMIN H. SETTLE
United States District Judge